

Appl. No. 09/942,352
Amdt. dated November 28, 2005
Reply to final Office action of September 2, 2005

REMARKS/ARGUMENTS

Applicant has received the final Office action dated September 2, 2005, in which the Examiner: 1) rejected claims 19 and 65 under 35 U.S.C. § 112, first paragraph, as "failing to comply with the written description requirement"; 2) rejected claims 28-31 and 37-51 under 35 U.S.C. § 102(e) as being anticipated by Gennaro (U.S. Pat. No. 6,317,834) in view of Lee (U.S. Pat. No. 5,742,683); 3) rejected claims 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Gennaro in view of Lee and Jones (U.S. Pat. No. 5,144,659); 4) rejected claims 35-36 under 35 U.S.C. § 103(a) as being unpatentable over Gennaro in view of Lee and in view of Hayman (U.S. Pat. No. 5,859,966); 5) rejected claims 19, 20, 22 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Emerick (U.S. Pat. No. 6,418,014) in view of Swinger (U.S. Pat. no. 6,349,825) in view of JP 411229687; and 6) rejected claims 21, 23, 24 and 64-71 under 35 U.S.C. § 103(a) as being unpatentable over Emerick in view of Swinger in view of JP 411229687 and Gennaro.

With this Response, Applicant has amended claims 19, 28-37, 40-41, and 64-67. Applicant also canceled claims 39 and 68. Claims 19-38, 40-51, 64-67 and 69-71 are pending. Based on the amendments and arguments contained herein, Applicant requests reconsideration and allowance of the pending claims.

I. § 112 REJECTIONS

The Examiner rejected claims 19 and 65 as failing to comply with 35 U.S.C. § 112, first paragraph. With this response, Applicant amends claim 19 to remove the phrase "remotely located." Also, Applicant amends claim 65 to replace the phrase "the control unit is remotely located from the computer system" with "the biometric sensors are remotely located from the computer system." Applicant submits that amended claims 19 and 65 comply with 35 U.S.C. § 112, first paragraph.

II. § 103 REJECTIONS

In rejecting the claims, the Examiner cites several references. For example, Swinger mentions a laptop carrying case that includes a lock "that is opened using a fingerprint sensing device" (see col. 5, lines 35-47). Emerick

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teaches a computer with a physical lock and a lock passage that attaches to the computer's internal components. If an attempt to remove the lock improperly occurs, the computer's internal components are damaged or destroyed (see Abstract). The Japanese application (JP411229687) cited by the Examiner mentions a locker system that uses fingerprint detectors (see Abstract). Lee teaches biometric data can be used to authenticate multiple users that access a postage metering system (see col. 8, lines 17-23). Gennaro teaches a database security system based on encryption and biometrics (see col. 3, lines 4-20 and 42-56). Hayman teaches a security system that prevents computer viruses from damaging stored programs or data (see Abstract). Jones teaches that supervisory personnel can choose criteria for access permission to read, write, and execute operations for files that are to be protected. "Upon receiving valid user identification, the auxiliary memory and control unit will indicate to the host computer operating system which files are accessible to that user..." (see col. 4, lines 16-33).

Amended claim 19, in part, requires "a plurality of locks coupled to and controlled by [a] control unit, wherein the control unit operates the locks by authenticating biometric data received from the biometric sensors." Claim 19 further requires "each lock prevents a corresponding computer component from being removed from the computer system unless the control unit authenticates biometric data received from a biometric sensor associated with the lock."

Emerick is the only reference cited by the Examiner that teaches using a lock to prevent computer components of a computer system from being removed. However, in Emerick, a single lock is related to the entire system (Fig. 1A) or to a plurality of computer components (Figs. 9 and 11). In other words, opening a single lock allows the removal of a plurality of components. Also, Emerick provides no teaching or motivation for using a separate lock with each computer component and, instead, seems to indicate the locking mechanism requires that the plurality of computer components be aligned to share a single locking passage (see col. 7, line 60 – col. 8, line 18). In contrast, Applicant's claimed invention requires that "each lock prevents a corresponding computer component

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from being removed from the computer system unless the control unit authenticates biometric data received from a biometric sensor associated with the lock."

The Examiner argues that using a plurality of locks and a plurality of biometric sensors would have been obvious (see Office action, page 2, last paragraph). With this argument, the Examiner seems to be distilling the invention down to a "gist" or "thrust" contrary to the requirement to analyze the subject matter as a whole (see MPEP 2141.02). Applicant's claimed invention does not simply involve using a plurality of locks and a plurality of biometric sensors. Rather, the claimed invention requires "each lock prevents a corresponding computer component from being removed from the computer system unless the control unit authenticates biometric data received from a biometric sensor associated with the lock." None of the references cited by the Examiner, considered individually or together, teach or suggest these limitations. For at least these reasons, Applicant submits that claim 19 and all claims that depend from claim 19 are allowable.

Amended claim 28 requires "registering a first user's biometric to access a computer component logically" and "registering a second user's biometric to access the computer component physically." Claim 28 further requires "if the user identity is authenticated as the first user, permitting logical access to the computer component, but not physical access" and "if the user identity is authenticated as the second user, permitting physical access to the computer component, but not logical access."

None of the references cited by the Examiner, considered individually or together, teach or suggest "registering a first user's biometric to access a computer component logically" and "registering a second user's biometric to access the computer component physically." Furthermore, none of the references cited by the Examiner, considered individually or together, teach or suggest "if the user identity is authenticated as the first user, permitting logical access to the computer component, but not physical access" and "if the user identity is authenticated as the second user, permitting physical access to the

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computer component, but not logical access" as required in claim 28. For at least these reasons, Applicant submits that claim 28 and all claims that depend from claim 28 are allowable.

Amended claim 41, in part, requires "a control unit coupled to said plurality of biometric sensors, said control unit controlling logical access and physical access to the plurality of computer devices in said computer system based on signals from one or more of said biometric sensors." None of the references cited by the Examiner, considered individually or together, teach or suggest "a control unit coupled to [a] plurality of biometric sensors, said control unit controlling logical access and physical access to the plurality of computer devices in said computer system based on signals from one or more of said biometric sensors." For at least these reasons, Applicant submits that claim 41 and all claims that depend from claim 41 are allowable.

Amended claim 64, in part, requires "a security system for a server rack...wherein [a] control unit selectively controls the locks to allow physical removal of each server based on data received from at least one of the biometric sensors. Claim 64 further requires that "the control unit selectively controls logical access to each server based on data received from at least one of the biometric sensors."

None of the references cited by the Examiner are directed to "a server rack" as required in claim 64. Furthermore, none of the references cited by the Examiner, considered individually or together, teach or suggest "a control unit" that "selectively controls the locks to allow physical removal of each server based on data received from at least one of the biometric sensors" and "selectively controls logical access to each server based on data received from at least one of the biometric sensors" as required in claim 64. For at least these reasons, Applicant submits that claim 64 and all claims that depend from claim 64 are allowable.

Appl. No. 09/942,352
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III. CONCLUSIONS

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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